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December 8, 2005

**VIA HAND DELIVERY**

Magistrate Judge Joyce London Alexander  
United States District Court  
District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

Re: Qwest Communications International, Inc. v. CONQWEST, Inc.  
Docket No.: 04-11878-RCL

Dear Judge Alexander:

I am in receipt of the Court's recent allowance of an amendment to the order requiring Qwest Communications International, Inc. to appear through its president. While I respect the Court's position, I must alert the Court to the fact that Qwest's counsel failed to send such letter to me either at the time of its service upon the Court or in fact at any time. I also did not receive an electronic notice of filing of same. As such, I did not have an opportunity to respond in advance of the Court's action. Further, I find it quite unseemly and uncharacteristic of local practice that Qwest's counsel has decided to communicate with the Court, in what can only be described as *ex parte*, as a result of the failure of counsel to mail, fax or otherwise provide a copy of this communication to me. But for the Court's action on this correspondence, I would have had no notice of the existence of same.

While we are prepared to attend the mediation as scheduled, it seems that the Court's agreement to permit Qwest to attend without its principal will have a negative effect on settlement efforts. As the Court may recollect, on October 27, 2005, Qwest failed to previously appear with a representative with the requisite authority to enter into the mediation in good faith. This resulted in a situation in which there was no movement on the part of Qwest from its pre-mediation position. As a result of this situation, the Court concluded that a representative with proper authority had not been provided and ordered Qwest to attend with its principal.

Notwithstanding Qwest's counsel's representations to the contrary, the settlement position advanced by Qwest after the mediation represented a retreat from its position at mediation. As such, although we are prepared to attend and make our best efforts to resolve the case, we are not encouraged by these actions. We appreciate the Court's time and efforts in this regard and hope that Qwest will respond in the mediation in good faith by making a concerted effort toward settlement.

Thank you for your continued attention to this matter.

Very truly yours,



Rosemary A. Macero

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